

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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DAVID HOWELL,

Plaintiff,

vs.

No. 1:09-CV-668  
(NAM/DRH)

PETER T ROACH & ASSOCIATES PC,

Defendant.  
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APPEARANCES:

OF COUNSEL:

Anthony J. Pietrafesa, Esq.  
117 Christopher Lane  
Altamont, NY 12009  
Attorney for Plaintiff

Peter T. Roach & Associates, PC  
125 Michael Drive  
Syossett, NY 11791  
Attorney for Defendant

Peter T. Roach, Esq.

**Hon. Norman A. Mordue, Chief U.S. District Judge**

**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

The Court has been advised by United States Magistrate Judge David R. Homer that the parties in the above-captioned case have reported to him that the case has been settled. Counsel has also advised Judge Homer that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

**ORDERED** that:

1. The above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated;

2. The dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3. The Clerk shall forthwith serve this Judgment upon the attorneys for the parties appearing in this action by electronic mail.

**IT IS SO ORDERED.**

DATED: October 21, 2009  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge

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